

From: (b) (6), (b) (7)(C)
To: (b) (6), (b) (7)(C)
Subject: FW: Un-Redacted Documents
Date: Friday, June 27, 2014 4:09:08 PM
Attachments: [\[Untitled\].pdf](#)

(b) (6), (b) (7)

Attached as discussed. If you have any questions, don't hesitate to touch base.

(b) (6), (b) (7)

From: (b) (6), (b) (7)(C)@epa.gov [mailto:(b) (6), (b) (7)(C)@epa.gov]
Sent: Friday, June 27, 2014 3:41 PM
To: (b) (6), (b) (7)(C)
Subject:

Gmail - OSC

Undated p. 12

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Gmail

Richard C. Loeb (b) (6), (b) (7)(C)

OSC

5 messages

Peter Broida <(b) (6), (b) (7)(C)>
 To: (b) (6), (b) (7)(C)
 Cc: "Richard C. Loeb" <(b) (6), (b) (7)(C)>

Wed, Feb 22, 2012 at 4:28 PM

Mr. Horowitz,

Late yesterday afternoon I spoke with (b) (6), (b) (7)(C) of OSC.

He had received my letter and reconfirmed that I represent the Agency.

He said that OSC does not now meet with agencies whose conduct they are reviewing other than through the course of their investigation, which is ongoing. He said that in the future OSC may seek to interview witnesses from the Agency. At that time, depending on who is being interviewed, determinations would be made by you as to whether witnesses would be accompanied by me as Agency counsel. There are some limitations imposed by OSC upon that representation, based on the position of the witness and the direction of the OSC inquiry.

Result: they are politely declining a meeting to discuss the issues or the scope of their inquiry.

I expect to be hearing from OSC directly when they want to interview witnesses and I will let you know immediately when I receive an inquiry from them. I cannot say when this might be; OSC moves rather slowly in my experience.

Best regards,

peter

Peter Broida

(b) (6), (b) (7)(C)

[http://mail.google.com/mail/?ui=2&ik=6be69732a4&view=pt&q=\(b\) \(6\), \(b\) \(7\)\(C\)&qs=true&sea...](http://mail.google.com/mail/?ui=2&ik=6be69732a4&view=pt&q=(b) (6), (b) (7)(C)&qs=true&sea...) 5/9/2013

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Unredacted p. 13

Page 2 of 3

phone: (b) (6), (b) (7)(C)

fax: [REDACTED]

Horowitz Daniel <(b) (6), (b) (7)(C)>
 To: Peter Broida <(b) (6), (b) (7)(C)>
 Cc: "Richard C. Loeb" <(b) (6), (b) (7)(C)>

Thu, Feb 23, 2012 at 9:15 PM

Thanks for the update - of course this is disappointing news that they don't follow any sort of due process

Daniel

Sent from my iPhone

[Quoted text hidden]

Richard C. Loeb <(b) (6), (b) (7)(C)>
 To: Horowitz Daniel <(b) (6), (b) (7)(C)>

Thu, Feb 23, 2012 at 11:16 PM

Daniel -

(b) (5)

That said, I just spent 45 minutes on the phone with Jason Zuckerman at OSC. He is not going to recuse himself any longer from the case. He thinks the case is a waste of time and that the OSC attorney/investigator assigned to the matter is just pursuing it because it interests him and because he has gotten so much input from various people at the CSB. Zuckerman said that the investigator's supervisor (whose name he gave me) realizes that this is just a political witch hunt. However, apparently she does not supervise the investigator very closely (that's not her style). Zuckerman thinks we may be able to shut this down with some well written letters to OSC through Broida, especially if they are addressed to the right people at OSC.

Zuckerman said that he sees no prohibited personnel practice, and that if there's an issue, it relates to internal agency management, which is not something OSC deals with. Apparently, one of the allegations is that others were not allowed to "compete" for the job, which given that it was a career SES transfer is obviously not required.

Let's discuss this tomorrow and/or next week. Jason gave me some helpful advice which might get this matter to resolution with OSC.

Interestingly, Jason tells me that the only "remedy" the complainants seek is that Rafael be reported to the White House for disciplinary action, which he thought was ludicrous, given that Rafael holds a term appointment. He also thought that it was very unclear what he could possibly be "disciplined" for given there was no prohibited personnel practice.

rcf

[Quoted text hidden]

Horowitz Daniel <(b) (6), (b) (7)(C)>

Thu, Feb 23, 2012 at 11:18 PM

[http://mail.google.com/mail/?ui=2&ik=6be69732a4&view=pt&q=\(b\) \(6\), \(b\) \(7\)\(C\)&qs=true&sea...](http://mail.google.com/mail/?ui=2&ik=6be69732a4&view=pt&q=(b) (6), (b) (7)(C)&qs=true&sea...) 5/9/2013

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Unrecorded p. 14 Page 3 of 3

To: "Richard C. Loeb" <(b) (6), (b) (7)(C)>

OK this is hopeful - thanks
[Quoted text hidden]

Richard C. Loeb <(b) (6), (b) (7)(C)>
To: Horowitz Daniel <(b) (6), (b) (7)(C)>

Thu, Feb 23, 2012 at 11:24 PM

Jason Z. said that the investigator assigned to the case, (b) (6), (b) (7)(C) isn't even really pursuing it much because he has so many other worthwhile cases. However, (b) (6), (b) (7)(C) doesn't want to drop the matter because it sounds interesting given the number and the level of the complainants. Jason Z said that at the rate the case is proceeding, it could drag on for years.

He didn't seem to think much of the case.

[Quoted text hidden]

[http://mail.google.com/mail/?ui=2&ik=6bc69732a4&view=pt&q=\(b\) \(6\), \(b\) \(7\)\(C\)&qs=true&sea...](http://mail.google.com/mail/?ui=2&ik=6bc69732a4&view=pt&q=(b) (6), (b) (7)(C)&qs=true&sea...) 5/9/2013

Peter B. Broida

Attorney at Law

(b) (6), (b) (7)(C)

May 20, 2013

Alan S. Larsen
Counsel to the Inspector General
Environmental Protection Agency
Washington DC 20460

Re: Chemical Safety Board Investigation

Dear Mr. Larsen:

In response to your request of May 8, 2013, I enclose 15 pages of materials produced by the Board. E-mails at pages 12, 13, and 14 are redacted to exclude material protected by attorney-client privilege. Your request covers the period through May 8. Mr. Loeb sent me two or three e-mails explaining portions of the e-mails that are enclosed. Mr. Zuckerman's name was mentioned in those e-mails. Those e-mails postdated May 8 and are protected by attorney-client privilege or attorney work product privilege.

Yours very truly,



Peter B. Broida

cc: Mr. Loeb

05/15/2013 18:11 FAX 2028332309

US CHEM SAFETY

001

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO	1657	(b) (6), (b) (7)(C)
CONNECTION TEL		
SUBADDRESS		
CONNECTION ID		
ST. TIME	05/15 18:02	
USAGE T	08'48	
PGS. SENT	15	
RESULT	OK	

To: Peter Broiola
FAX: (b) (6), (b) (7)(C)

From: Rich Loeb
202- (b) (6), (b) (7)(C)

Pages (including this cover): 15

All e-mails discussing or exchanged
with Jason Zuckerman.

05/15/2013 16:02 FAX 2026332309

US CHEM SAFETY

001

To: Peter Broiola

FAX:

(b) (6), (b) (7)(C)

From: Rich Loeb

202-261-

(b) (6), (b) (7)(C)

Pages (including this cover): 15

All e-mails discussing overexposed
with Jason Zuckerman.

05/15/2013 18:02 FAX 2028332309

US CHEM SAFETY

002

Loeb, Richard C.

From: Zuckerman, Jason [jzuckerman@osc.gov]
Sent: Thursday, February 23, 2012 7:26 PM
To: Loeb, Richard C.
Subject: Re: Jason -- Can you call me?

Feel free to call me at night. Cell number is (b) (6), (b) (7)(C)

From: Loeb, Richard C.
To: Zuckerman, Jason
Sent: Thu Feb 23 19:17:44 2012
Subject: RE: Jason -- Can you call me?
Jason --

I'm still at work and it is getting sort of late, so I don't want to call you at home. Tomorrow, I have to be at a conference practically all day.

If we don't talk tomorrow, and I don't think we will, I'll call you early next week. It's hardly an urgent matter.

Best,

rcl

From: Zuckerman, Jason [mailto:jzuckerman@osc.gov]
Sent: Thursday, February 23, 2012 11:54 AM
To: Loeb, Richard C.
Subject: RE: Jason -- Can you call me?

I will be on a train from 5-6. How about calling me any time after 6pm on my cell phone at (b) (6), (b) (7)(C)

From: Loeb, Richard C. [mailto:richard.loeb@csb.gov]
Sent: Thursday, February 23, 2012 11:33 AM
To: Zuckerman, Jason
Subject: RE: Jason -- Can you call me?

Jason --

I have meeting after meeting today. Can I call you after 5 pm?

Thanks,

rcl

From: Loeb, Richard C.
Sent: Wednesday, February 22, 2012 5:38 PM
To: 'Zuckerman, Jason'
Subject: Jason -- Can you call me?

05/15/2013 16:03 FAX 2028332309

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003

202- (b) (6), (b) (7)(C)

Thanks,

Rich Loeb

05/15/2013 18:03 FAX 2028332309

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004

Loeb, Richard C.

From: Zuckerman, Jason [jzuckerman@osc.gov]
 Sent: Thursday, February 23, 2012 8:56 PM
 To: Loeb, Richard C.
 Subject: Re: Jason -- Can you call me?

10:30. You sure are earning your keep.

----- Original Message -----

From: Loeb, Richard C. <richard.loeb@csb.gov>
 To: Zuckerman, Jason
 Sent: Thu Feb 23 20:41:27 2012
 Subject: RE: Jason -- Can you call me?

Leaving work
 now. What's latest I can call?

From: Zuckerman, Jason [jzuckerman@osc.gov]
 Sent: Thursday, February 23, 2012 7:25 PM
 To: Loeb, Richard C.
 Subject: Re: Jason -- Can you call me?

Feel free to call me at night. Cell number is (b) (6), (b) (7)(C).

From: Loeb, Richard C.
 To: Zuckerman, Jason
 Sent: Thu Feb 23 19:17:44 2012
 Subject: RE: Jason -- Can you call me?
 Jason !!

I'm still at work and it is getting sort of late, so I don't want to call you at home.
 Tomorrow, I have to be at a conference practically all day.

If we don't talk tomorrow, and I don't think we will, I'll call you early next week. It's
 hardly an urgent matter.

Best,

rcl

From: Zuckerman, Jason [mailto:jzuckerman@osc.gov]
 Sent: Thursday, February 23, 2012 11:54 AM
 To: Loeb, Richard C.
 Subject: RE: Jason -- Can you call me?

I will be on a train from 5-6. How about calling me any time after 6pm on my cell phone at
 (b) (6), (b) (7)(C)?

From: Loeb, Richard C. [mailto:ri

05/15/2013 16:04 FAX 2026332309

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005

Loeb, Richard C.

From: Loeb, Richard C.
Sent: Monday, February 27, 2012 3:10 PM
To: 'Zuckerman, Jason'
Subject: RE: Job announcement

Jason -

Sounds like things at your place are a bit too exciting.

rci

<http://legaltimes.typepad.com/>

February 24, 2012

Suspicious Package at U.S. Office of Special Counsel Turns Out to be False Alarm

A suspicious package at the U.S. Office of Special Counsel in Washington caused the D.C. Fire Department to block off the 1700 block of M Street, N.W., this afternoon for about thirty minutes. Fire department officials later deemed it a false alarm.

"We had a package come in that set off alarm bells for our mailroom personnel," said Ann O'Hanlon, spokeswoman for the Office of Special Counsel.

O'Hanlon didn't say exactly who the package was addressed to, nor was she able to provide other details about it.

Four fire trucks, as well as officials from the Department of Homeland Security, responded to the call. Nearby office workers gathered on the street and peered down from their office perches above. Authorities outfitted a man in a silver suit and set up a small kiddie pool in the street, in case firefighters needed to decontaminate anyone contaminated by the package's contents.

The property manager for 1730 M Street N.W. sent out an email to building tenants advising them of the situation. The building was not evacuated. At 3:20 p.m., firemen entered the building to investigate. They left minutes later after determining that the package was safe.

"We are sorry to have caused a commotion on M Street, but all is well," O'Hanlon said.

The Office of Special Counsel is an independent, federal investigative and prosecutorial agency that, according to its Web site, protects federal employees and job applicants from "prohibited personnel practices, especially reprisal for whistleblowing."

05/15/2013 18:04 FAX 2026332369

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006

From: Zuckerman, Jason [mailto:jzuckerman@osc.gov]
Sent: Monday, February 27, 2012 11:43 AM
To: Loeb, Richard C.
Subject: RE: job announcement

Glad you are enjoying your position. You are right about the pay cut. OSC has very limited resources.

Hopefully CSB can get over the political infighting. Maybe it would be worthwhile to retain a professional mediator.

From: Loeb, Richard C. [mailto:richard.loeb@csb.gov]
Sent: Friday, February 24, 2012 6:14 PM
To: Zuckerman, Jason
Subject: RE: job announcement

Jason -

Thanks for sending. I am really happy where I am except maybe for the unwarranted attacks on my Chairman. Otherwise, I like working here very much.

(b) (6), (b) (7)(C), (b) (5)



Thanks for your counsel last night. I appreciate the fact that you realize the situation over here is merely one involving strong policy disagreements among different factions. As bitter as they sometimes are, no one working here has been harmed in anyway, and there has been no violation of personnel law or anyone's rights (except maybe my Chairman's reputation).

Best,

Rich Loeb

From: Zuckerman, Jason [mailto:jzuckerman@osc.gov]
Sent: Friday, February 24, 2012 11:02 AM
To: Loeb, Richard C.
Subject: job announcement

<http://www.usajobs.gov/GetJob/ViewDetails/310196500>

Office Of The Special Counsel

05/15/2013 16:05 FAX 2026332309

US CHEM SAFETY

007

Job Title: Associate Special Counsel
 Department: Other Agencies and Independent Organizations
 Agency: Office of Special Counsel
 Job Announcement Number: OSC-12-04

SALARY RANGE: \$119,554.00 to \$165,300.00 / Per Year

OPEN PERIOD: Friday, February 24, 2012 to Saturday, March 24, 2012

SERIES & GRADE: ES-0905-00

POSITION INFORMATION: Full Time - Permanent

DUTY LOCATIONS: 1 vacancy(s) - Washington DC, DC United States

WHO MAY BE CONSIDERED: All Qualified Applicants

JOB SUMMARY:

Come join the U.S. Office of Special Counsel (OSC)!

The U.S. Office of Special Counsel (OSC) has as its primary mission the safeguarding of the merit system in Federal employment by protecting employees and applicants against prohibited personnel practices (PPPs), particularly from reprisal for "whistleblowing." (5 U.S.C. §2302) The agency also operates as a secure channel for federal whistleblower disclosures of violations of law, rule or regulation; gross mismanagement; gross waste of funds; abuse of authority; and substantial and specific danger to public health and safety. (5 U.S.C. §1213) In addition, OSC issues advice on the Hatch Act and enforces its restrictions on political activity by government employees. (5 U.S.C. §§ 1502, 7321-23) Finally, OSC protects the civilian employment and reemployment rights of military service members under USERRA, the Uniformed Services Employment and Reemployment Act (38 U.S.C. §§ 4301-4335).

OSC is committed to enhancing government accountability and performance by the realization of a diverse, inclusive Federal workplace where employees embrace excellence in service, uphold merit system principles, are encouraged to disclose wrongdoing, and are safeguarded against reprisals and other unlawful employment practices.

The Associate Special Counsel (ASC) serves as the Director of OSC's Investigation and Prosecution Division (IPD). The ASC is primarily responsible for the investigation, legal analysis and prosecution of allegations of prohibited personnel practices in the Federal civil service, such as reprisal for whistleblowing, the granting of unlawful preferences in employment, and discrimination. The incumbent directs the work of approximately 34 IPD professional, paralegal, and administrative employees who perform the day-to-day operations of the division, including the work of the agency's four field offices (Dallas, Detroit, Oakland and Washington, DC) and its Retaliation Pilot Project. The ASC also provides ongoing guidance to the Claims Examining Unit, which conducts the initial review of PPP complaints at OSC, and closely collaborates with OSC's ADR director to ensure that appropriate complaints are referred to mediation. Under the incumbent's direction, IPD staff take depositions, interview witnesses and conduct other discovery, review evidence, and undertake legal research to determine whether an allegation merits prosecution. In appropriate cases that cannot be settled, IPD may seek corrective or disciplinary action for PPP violations before the Merit Systems Protection Board (MSPB). The legal issues span diverse areas of law, including federal personnel law, constitutional law, administrative law, and civil procedure.

The ASC also contributes to the overall management and strategic direction of the agency, collaborating with other senior staff in developing, implementing, and evaluating office policy, standards, guidelines and procedures. This position reports to the Deputy Special Counsel.

KEY REQUIREMENTS

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- US Citizenship
- No relocation expenses will be included.

DUTIES:

- Serve as Director of the Investigation and Prosecution Division (IPD), leading and supervising the work of the field offices in Washington, DC, Dallas, TX, Detroit, MI, and Oakland, CA, and the Retaliation Pilot Project
- Lead OSC's Investigation and litigation team in matters related to prohibited personnel practices (PPPs).
- Lead training efforts for all program staff in investigating and prosecuting PPPs.
- Review all prosecution recommendations and memoranda regarding PPPs, including corrective action letters and disciplinary actions, before submission to the Deputy Special Counsel. Ensure that legal documents are in compliance with and reflect consistent application of appropriate laws, rules, regulations, and OSC policies and procedures.
- Advise the Special Counsel on the appropriateness of, and scope of intervention in, amicus curiae and other appearances before the MSPB.
- Provide ongoing guidance to the Claims Examining Unit in determining standards for which cases are appropriate for referral to ADR and/or IPD.
- Review and approve recommendations for further action, or the termination of action, on all PPP complaints before IPD.
- Lead negotiations with other federal agencies and departments to resolve alleged wrongdoing in order to avoid litigation where possible.
- Closely collaborate with the Director ADR to ensure that all appropriate cases are considered for mediation.
- Implement OSC's strategic planning goals and plans as they relate to IPD.
- Participate with the Special Counsel, Deputy Special Counsel and other members of OSC's Senior Staff in establishing organizational goals and objectives and evaluating program effectiveness.
- Perform full range of personnel management managerial responsibilities for IPD headquarters and field office staff, including establishing performance elements and standards and evaluating performance.
- Provide legal advice to the Special Counsel and Deputy Special Counsel.

QUALIFICATIONS REQUIRED:

You must possess a professional law degree acquired through graduation from a law school accredited by the American Bar Association, and be an active member in good standing of the bar of a state, a United States territory, the District of Columbia, or the Commonwealth of Puerto Rico. The successful candidate will have extensive litigation experience.

ALL APPLICANTS MUST BE U.S. CITIZENS.

You must have substantial supervisory or executive leadership experience which demonstrates the ability to successfully carry out the roles and responsibilities described above, typically evidenced by experience in progressively more responsible leadership positions. To meet the minimum qualification requirements for this position, applicants must show in your resume that you possess each of the five Executive Core Qualifications (ECQs) and each of the four Professional/Technical Qualifications (PTQs) listed below.

The application process for this position is by Cover Letter, Resume, and any Supplemental Form, Certificate or Document. Evidence of each ECQ or PTQ must be clearly reflected in your resume. (Apart from the Cover Letter and Resume, please do not submit separate statements addressing ECQs and PTQs.) We recommend that your Cover Letter and Resume include examples that are clear, concise, and emphasize your level of responsibilities, and the scope and complexity of the programs, activities, or services you managed; program

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accomplishments; policy initiatives undertaken; level of contacts; the sensitivity and criticality of the issues you have addressed; and the results of your actions. You should use accurate, action-oriented words to describe your experience and accomplishments (e.g., "Led the development and implementation of...") and quantify your experience wherever possible to demonstrate your accomplishments (e.g., number of employees supervised; size of budget managed; amount of money saved, etc.).

EXECUTIVE CORE QUALIFICATIONS (ECQs):

The Executive Core Qualifications (ECQs) are required for entry into the Senior Executive Service (SES); you must show in your resume that you possess the five Executive Core Qualifications listed below:

1. ECQ 1 - Leading Change: The ability to bring about strategic change, both within and outside the organization, to meet organizational goals. Inherent in this ECQ is the ability to establish an organizational vision and implement it in a continuously changing environment. Competencies: Creativity and Innovation, External Awareness, Flexibility, Resilience, Strategic Thinking, Vision
 2. ECQ 2 - Leading People: The ability to lead people toward meeting the organization's vision, mission, and goals. Inherent in this ECQ is the ability to provide an inclusive workplace that fosters the development of others, facilitates cooperation and teamwork, and supports constructive resolution of conflicts. Competencies: Conflict Management, Leveraging Diversity, Developing Others, Team Building
 3. ECQ 3 - Results Driven: The ability to meet organizational goals and customer expectations. Inherent in this ECQ is the ability to make decisions that produce high-quality results by applying technical knowledge, analyzing problems, and calculating risks. Competencies: Accountability, Customer Service, Decisiveness, Entrepreneurship, Problem Solving, Technical Credibility
 4. ECQ 4 - Business Acumen: The ability to manage human, financial, and information resources strategically. Competencies: Financial Management, Human Capital Management, Technology Management
 5. ECQ 5 - Building Coalitions: The ability to build coalitions internally and with other Federal agencies, State and local governments, nonprofit and private sector organizations, foreign governments, or international organizations to achieve common goals. Competencies: Partnering, Political Savvy, Influencing/Negotiating
- Additional Information on the Executive Core Qualifications is available at <http://www.bpm.gov/ses/recruitment/ecq.asp>.

PROFESSIONAL/TECHNICAL QUALIFICATIONS (PTQs)

You must show in your resume that you possess the Professional/Technical Qualifications listed below:

1. Thorough knowledge of legal principles and Federal law, including judicial decisions, Executive Orders, statutes, opinions, State and Federal regulations, and rules of procedure relating to the areas of law relevant to employment law.
2. Extensive experience in conducting litigation.
3. Extensive experience in handling complex legal issues, interpreting statutes and regulations, preparing legal documents, reviewing documents for legal sufficiency, and formulating and developing policy direction, performance measures and guidance for prosecution/litigation, investigation or similar program or administrative activities.
4. Experience in developing solutions to legal problems for which precedents have not been established.

HOW YOU WILL BE EVALUATED:

You will be evaluated on the quality and extent of your total accomplishments, experience, and education as they relate to the qualifications for this position. Resumes will be evaluated by a rating and ranking panel, and highly qualified candidates may be invited to participate in a structured interview, submit writing samples, and undergo reference checks. The OSC Executive Resources Board (ERB) will review results and make recommendations to the appointing authority.

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Unless you have been already certified by an Office of Personnel Management Qualifications Review Board (QRB) in the past, your Executive Core Qualifications must be certified by a QRB before appointment can occur.

BENEFITS:

As an OSC employee you will enjoy excellent Federal benefits, including: comprehensive health and life insurance plans; Flexible Spending Account Program for health and dependent care; Long Term Care Insurance; Federal Dental and Vision Insurance Program; retirement savings and investment plan similar to 401(k) (Thrift Savings Plan); annual (vacation) and paid sick leave; family friendly leave policies; 10 paid holidays per year; and transit benefits.

OTHER INFORMATION:

Occasional travel may be required.

When OSC determines that, in the absence of such an incentive, it will be difficult to fill the position with a suitable candidate, OSC may offer a recruitment incentive to an eligible new Federal appointee or a relocation incentive to a current Federal employee who is required to geographically move. Generally, current Federal employees are not eligible for a recruitment incentive.

Veteran's Preference does not apply to the Senior Executive Service.

Salary for Senior Executive Service positions varies depending on qualifications and the responsibilities of the position.

Selected candidate will be subject to a one-year probationary period in the Senior Executive Service unless required probationary period has been served.

Selected candidate will be required to file a Public Financial Disclosure Report (Standard Form 278) within 30 days after appointment.

The OSC provides reasonable accommodation to applicants with disabilities where appropriate. If you need a reasonable accommodation for any part of the application or hiring process, please notify the Disability Program Coordinator at (301) 492-2212. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

Selected candidate will be required to complete a "Declaration of Federal Employment" (OF-306) prior to being appointed to determine their suitability for Federal employment and to authorize a background investigation. False statements or responses on your resume or questionnaire can jeopardize your employment opportunity and subject you to disciplinary action, including removal from Federal service.

HOW TO APPLY:

Please submit your Cover Letter and Resume (and any Supplemental Form, Certificate or Document) by email and attachment to:

Attn: Caroline Heard, HR Specialist

U.S. Office of Special Counsel (Vacancy Announcement #: OSC-12-03)

1730 M Street, NW, Suite 218

Washington, D.C. 20036-4505

Email: cheard@osc.gov

We strongly encourage you to read the entire announcement before you submit your application for this position. Your Cover Letter, Resume, and all Supplemental Forms and Documents must be received BEFORE midnight Eastern Time on the closing date of this announcement in order to be considered for this vacancy. If you are in need of assistance in applying electronically, please contact the Human Resources Specialist BEFORE the closing date to speak to someone who can offer you help. Paper applications will not be accepted unless hardship circumstances can be demonstrated. (If submitting your application

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US CHEM SAFETY

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electronically poses a hardship for you, the Human Resources Specialist listed on the announcement will provide assistance to ensure that applications are submitted on or before the closing date. Due to mail delays in the Washington, D.C. Metropolitan Area, we strongly suggest that you express mail or hand deliver your application.) Requests for extensions will not be granted. For further information about this announcement, telephone (202) 254-3679 or TTY 800-877-8339.

REQUIRED DOCUMENTS:

1. Cover Letter and Resume that describe your experience and accomplishments as they relate to the qualifications for this position.
 2. If you are currently serving under a Senior Executive Service (SES) career appointment, or are eligible for reinstatement to the SES based on a previous appointment, please submit a copy of your Standard Form 50 (SF-50) that documents your SES career appointment and/or eligibility for reinstatement.
 3. If you are a graduate of an Office of Personnel Management (OPM) approved SES Candidate Development Program, please submit a copy of your OPM certification of eligibility.
 4. Documentation showing membership in good standing of the bar.
- All supplemental documents must be submitted electronically before the closing date of this vacancy announcement. Please send your complete application package to Caroline Heard at cheard@osc.gov.

AGENCY CONTACT INFO:

Caroline Heard
Phone: (202) 254-3679
Email: CHEARD@OSC.GOV

Agency Information:
US Office of Special Counsel
1730 M Street NW
Suite 300
Washington, DC
20036

WHAT TO EXPECT NEXT:

The Human Resources Specialist will contact you by email about the status of your application and selection process.

QUALIFIED APPLICANTS WILL RECEIVE CONSIDERATION WITHOUT REGARD TO SUCH FACTORS AS RACE, SEX, AGE, NATIONAL ORIGIN, SEXUAL ORIENTATION, POLITICAL AFFILIATION, MARITAL STATUS, DISABILITY, MEMBERSHIP OR NON-MEMBERSHIP IN AN EMPLOYEE ORGANIZATION OR PERSONAL FAVORITISM.

PRIVACY ACT INFORMATION: The application that you submit for this position contains information subject to the Privacy Act of 1974 (P.L. 93-579, 5 U.S.C. 552a). Information regarding this Act is available upon request in the Office of Special Counsel.

THE OFFICE OF SPECIAL COUNSEL IS AN EQUAL OPPORTUNITY EMPLOYER.

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Richard C. Loeb <(b) (6), (b) (7)(C)>

OSC
5 messages

Peter Broida <(b) (6), (b) (7)(C)>
To: (b) (6), (b) (7)(C)
Cc: "Richard C. Loeb" <(b) (6), (b) (7)(C)>

Wed, Feb 22, 2012 at 4:28 PM

Mr. Horowitz,

Best regards,

peter

Peter Broida

(b) (6), (b) (7)(C)

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2013
Page 2 of 3

phone: (b) (6), (b) (7)(C)

fax: (b) (6), (b) (7)(C)

Horowitz Daniel <(b) (6), (b) (7)(C)>
To: Peter Broida <(b) (6), (b) (7)(C)>
Cc: "Richard C. Loeb" <(b) (6), (b) (7)(C)>

Thu, Feb 23, 2012 at 9:15 PM

Sent from my iPhone
[Quoted text hidden]

Richard C. Loeb <(b) (6), (b) (7)(C)>
To: Horowitz Daniel <(b) (6), (b) (7)(C)>
Daniel -

Thu, Feb 23, 2012 at 11:16 PM

[Quoted text hidden]

Horowitz Daniel <(b) (6), (b) (7)(C)>

Thu, Feb 23, 2012 at 11:18 PM

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05/15/2013 18:10 FAX 2028332309

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To: "Richard C. Loeb" <(b) (6), (b) (7)(C)>

Richard C. Loeb <(b) (6), (b) (7)(C)>
To: Hordwitz Daniel

Thu, Feb 23, 2012 at 11:24 PM

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Loeb, Richard C.

From: Zuckerman, Jason [jzuckerman@osc.gov]
Sent: Friday, July 06, 2012 4:59 PM
To: Loeb, Richard C.
Subject: RE: Great Job

And I am a big fan of (b) (6), (b) (7)(C)

From: Loeb, Richard C. [mailto:richard.loeb@csb.gov]
Sent: Friday, July 06, 2012 4:52 PM
To: Zuckerman, Jason
Subject: RE: Great Job

BTW, saw (b) (6), (b) (7)(C) last week. She is a big fan of yours.

From: Zuckerman, Jason [mailto:(b) (6), (b) (7)(C)@osc.gov]
Sent: Friday, July 06, 2012 4:45 PM
To: Loeb, Richard C.
Subject: RE: Great Job

Thank you so much for your kind words.

By the way (b) (6), (b) (7)(C) has been on quite a roll lately. The revenue he will generate for his firm this year is higher than the GDP of some less-developed countries. He is really changing the practice of Big Pharma.

From: Loeb, Richard C. [mailto:richard.loeb@csb.gov]
Sent: Friday, July 06, 2012 3:59 PM
To: Zuckerman, Jason
Subject: Great Job

Jason -

That was a very nice piece that Federal Computer Week (FCW) wrote about you. It's quite satisfying to see a "good guy" in government get some positive press.

Hope you're doing well.

Best,

Rich Loeb

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phone: [REDACTED]

fax: [REDACTED]

Horowitz Daniel <(b) (6), (b) (7)(C)>
 To: Peter Broida (b) (6), (b) (7)(C) >
 Cc: "Richard C. Loeb" (b) (6), (b) (7)(C) >

Thu, Feb 23, 2012 at 9:15 PM

Thanks for the update - of course this is disappointing news that they don't follow any sort of due process

Daniel

Sent from my iPhone

[Quoted text hidden]

Richard C. Loeb <(b) (6), (b) (7)(C)>
 To: Horowitz Daniel

Thu, Feb 23, 2012 at 11:16 PM

Daniel -

(b) (5)

That said, I just spent 45 minutes on the phone with Jason Zuckerman at OSC. He is not going to recuse himself any longer from the case. He thinks the case is a waste of time and that the OSC attorney/investigator assigned to the matter is just pursuing it because it interests him and because he has gotten so much input from various people at the CSB. Zuckerman said that the investigator's supervisor (whose name he gave me) realizes that this is just a political witch hunt. However, apparently she does not supervise the investigator very closely (that's not her style). Zuckerman thinks we may be able to shut this down with some well written letters to OSC through Broida, especially if they are addressed to the right people at OSC.

Zuckerman said that he sees no prohibited personnel practice, and that if there's an issue, it relates to internal agency management, which is not something OSC deals with. Apparently, one of the allegations is that others were not allowed to "compete" for the job, which given that it was a career SES transfer is obviously not required.

Let's discuss this tomorrow and/or next week. Jason gave me some helpful advice which might get this matter to resolution with OSC.

Interestingly, Jason tells me that the only "remedy" the complainants seek is that Rafael be reported to the White House for disciplinary action, which he thought was ludicrous given that Rafael holds a term appointment. He also thought that it was very unclear what he could possibly be "disciplined" for given there was no prohibited personnel practice.

rcf

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Horowitz Daniel <(b) (6), (b) (7)(C)>

Thu, Feb 23, 2012 at 11:18 PM

[http://mail.google.com/mail/?ui=2&ik=6be69732a4&view=pt&cc=\(b\) \(6\), \(b\) \(7\)\(C\)&qs=true&sea...](http://mail.google.com/mail/?ui=2&ik=6be69732a4&view=pt&cc=(b) (6), (b) (7)(C)&qs=true&sea...) 5/9/2013